

REMARKS

The office action of June 2, 2009, has been carefully considered.

It is noted that claims 1-5 and 9 are rejected under 35 U.S.C. 103(a) over the patent application of Gramckow et al. in view of the patent to Watanbe et al.

Claims 6-8 are rejected under 35 U.S.C. 103(a) over Gramckow et al. in view of Watanbe et al., and further in view of the patent to Lu et al.

In view of the Examiner's rejections of the claims applicant has amended claim 1.

It is respectfully submitted that the claims presently on file differ-essentially and in an unobvious, highly advantageous manner from the methods disclosed in the references.

Turning now to the references, and particularly to Gramckow et al., it can be seen that this reference discloses a method for

controlling and/or regulating the cooling stretch of a hot strip rolling mill for rolling metal strip.

The patent to Watanbe et al., discloses a model or method of estimating the properties of a steel product. This reference was discussed at length in the last filed amendment, and those comments are incorporated by reference.

The Examiner combined Gramckow et al. with Watanbe et al. in determining that claims 1-5 and 9 would be unpatentable over such a combination. Applicant submits that the combination of references relied upon by the Examiner does not teach the presently claimed invention. Although Gramckow et al. appear to teach some type of method for adjusting micro-structural properties, the examiner on page 4 of the Office Action admits that Gramckow et al. do not specify micro-structural properties as recited in claim 1 of the present application. The Examiner relies on Watanbe et al. as teaching the detection of actual micro-structural characteristic values. However, the section of Watanbe et al. relied on by the Examiner (col. 4, lines 1-4) does not teach detecting an actual micro-structural characteristic value, but instead only teaches "to automatically estimate the state of the metallic structure". There is no teaching of a

method that measures actual micro-structural characteristic values, as in the presently claimed invention.

There is no indication or suggestion to take an actual value, to compare this detected actual value with one value of (stored) predetermined set values and in case that this comparison reveals a difference to carry out process controlling based on this difference by acting on installation actuators.

Watanbe et al. only teach "to automatically estimate the state of the metallic structure". There is no detection of an actual microstructural characteristic value, as in the presently claimed invention. In fact, the reference at column 10, lines 42-44, states that it is an objective to avoid testing and measuring in a finished product.

In view of these considerations it is respectfully submitted that the rejection of claims 1-5 and 9 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

The patent to Lu et al. has also been considered. Applicant submits that Lu et al. add nothing to the teachings of the

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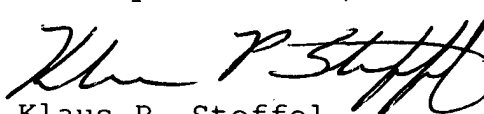
previously discussed references so as to suggest the presently claimed invention. Thus, it is respectfully submitted that the rejection of claims 6-8 under 35 U.S.C. 103(a) is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on December 2, 2009.

By:

Klaus P. Stoffel

Date: December 2, 2009